

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

DERRICK PALMER, KENDIA
MESIDOR, BENITA ROUSE,
ALEXANDER ROUSE, BARBARA
CHANDLER, and LUIS
PELLOT-CHANDLER,

Plaintiffs

v.

AMAZON.COM, INC. and
AMAZON.COM SERVICES LLC,

Defendants.

DECLARATION OF BARBARA
CHANDLER

I, Barbara Chandler, hereby declare as follows:

1. I have worked for Amazon.com Services LLC (“Amazon”) since on or around February 19, 2017. I have worked at the JFK8 warehouse facility in Staten Island, New York (“JFK8”) since October 2018. Previously, I worked at the facility LGA9 in Edison, NJ and at Amazon Fresh EWR6 in Avenel, NJ until Amazon transferred me to JFK8 in October 2018.

2. JFK8 is an 840,000 square foot sortable fulfillment center operated by Amazon where products are received and sorted, and customer orders are picked, packed, and shipped out to Amazon sortation centers, delivery stations, and eventually Amazon customers.

3. I work as a Process Assistant at the JFK8 facility in the Pick, Count, and Floor-Health department (“PCF”). I currently earn \$20.80 per hour. For a little over two months, until June 1, 2020, Amazon had been paying me an additional \$2 per hour in “hazard pay” for working during the pandemic.

4. In my position as a Process Assistant, I help manage, supervise, and coach a team of about 50 people. This entails moving through the facility and frequently checking in with the members of my team to ensure they are performing their tasks up to Amazon’s standards and to help them solve problems in the workplace.

5. From the beginning of March 2020 through the present, I have worked ten and a half hour shifts at the JFK8 warehouse around four days a week, with the exception of about two and a half weeks, from March 24, 2020 until April 12, 2020, when I was out sick with COVID-19.

6. I have been afraid for my health and safety, as well as the health and safety of people in my household and the larger community because of the way in which Amazon is managing the warehouse in response to COVID-19.

7. To my knowledge, at least several dozen workers at JFK8 have been out sick with symptoms of COVID-19 to date.

8. To my knowledge, at least 1 worker at the JFK8 warehouse has died due to COVID-19.

9. Additionally, 4 members of my own family contracted or began to show symptoms of COVID-19 after I contracted it at work. Three of my four children were infected, and a cousin who lives with us also caught COVID-19 and died in our home.

Contracting COVID-19 and Amazon's Response

10. In March of 2020, despite the huge number of workers passing through the JFK8 facility on a daily basis, from what I could observe, Amazon took little in the way of precautions to prevent spread of the virus.

11. Although workers have always had access to work gloves in the facility, during March, Amazon did not provide workers with latex gloves.

12. Additionally, during this time Amazon was not yet requiring or even recommending that workers wear facemasks during their shifts.

13. Even as late as the middle of March, Amazon was still hosting facility-wide “parties” in the building with large numbers of people, popcorn dispensers, silent auction tables, and lots of crowding. I attended one such event on or around March 12, 2020.

14. From what I observed, Amazon did not make any significant changes to its sanitation procedures in March, despite the increasing number of cases in New York City. The facility operates 24 hours a day, 7 days a week, and there is no down-time that would allow for substantial cleaning of the facility between shifts.

15. For two weeks in the middle of March 2020, Amazon instituted a mandatory extra time, or MET, period which meant that instead of four ten-hour shifts per week, workers were scheduled for five ten-hour shifts. Amazon notified workers at JFK8 about the MET period in daily meetings called stand-ups, through text messages, and in the Amazon A to Z application. An Amazon manager said during one stand-up that the reason

for the MET was increased demand and that Amazon needed JFK8 workers to help their communities by working additional hours.

16. I worked on March 18 and 19, 2020 and was aware of several people in the facility on those days complaining about COVID-19 symptoms or potential exposure to people with COVID-19.

17. On or around March 18, 2020, I heard a rumor that someone in the facility had tested positive for COVID-19 who had last been in the facility on March 11, 2020, a day that I had also been in the facility.

18. On or around March 18, 2020, I sent a worker to Amazon's in-house medical team Amcare because she was not feeling well. Afterwards a manager told me that the sick worker told Amcare that her fiancé had COVID-19.

19. On March 18 and 19, 2020 I worked closely with several other workers in the facility who were not feeling well. I sent them to Amcare and then did not see them in the facility again.

20. Amcare is an in-house team that provides first aid to workers in the JFK8 facility. They are not doctors, but are more like safety workers, and they are not supposed to provide medical care beyond first aid.

21. Before the pandemic, when a worker was sick, they would go to Amcare to get pain medicine or anti-nausea medicine before being sent back to work. Workers who are injured are supposed to get permission from a supervisor, even if it is an emergency, before going to the Amcare office where they are treated.

22. By April 12, 2020, Amazon had changed its policy so that if a worker is sick or injured, managers or supervisors are supposed to contact Amcare on a walkie-talkie, and Amcare will come to administer aid to the worker at their station.

23. On March 22, 2020, I worked a full shift at JFK8, but was beginning to feel fatigued and had some difficulty breathing. After work, I went to an urgent care clinic where I took a COVID-19 test and was told that I would get the results in about three days.

24. On March 23, 2020, I returned again to JFK8 and worked a full shift. At this point I had developed a slight sore throat and a small cough, but Amazon's policy was that workers needed a positive COVID-19 test result to be able to get quarantine leave. To the best of my knowledge Amazon still requires a positive test before putting someone on quarantine leave.

25. I felt like I had to work because I needed to continue to earn money to support my four children, and as I did not have a fever, I thought that I might have just had a regular cold. I am a single parent and could not afford to take a week off unpaid, and I understood from Amazon that I would not get paid leave without a positive test result.

26. Also on March 23, 2020, one of the workers on my team threw up at their station and I sent them to Amcare. Later in the day I sent that same worker home because I found them heading back to work at their station again.

27. On March 24, 2020, I returned again to JFK8. I spent the morning doing my normal work assigning stations and doing check-ins with my team at their stations. I directly interacted with around 20 people in total that morning. I also worked in close contact over a longer period of time with at least three people that morning, including my Process Guide, another Process Assistant, and an Area Manager.

28. Over the course of the morning my symptoms got much worse. At around 11 a.m. I was too sick to continue working.

29. I spoke to two colleagues directly and contacted others via Chime, Amazon's text messaging app, to let them know I was not feeling well and was leaving early. I applied my unpaid time off (UPT) to the rest of my work day and went home.

30. I went straight to the hospital from JFK8 because I was having shortness of breath and was coughing. The doctor told me that because I did not have a fever, did not have any fluid in my lungs, and did not have a low oxygen level measured with a pulse oximeter, I likely did not have COVID-19.

31. I stayed home on March 25, 2020 because I was still feeling really sick.

32. On the morning of March 26, 2020, I called the urgent care clinic to see if they had the results of my COVID-19 test and they informed me that I had tested positive for COVID-19.

33. I immediately sent Chime messages to Tyler Grabowski, from the Human Resources department ("HR") at JFK8, as well as several other members of upper management at JFK8, letting them know that I had tested positive for COVID-19.

34. Shortly thereafter I received a phone call from Grabowski during which he informed me that he would need to see proof of the positive test results before he would "escalate" the case and begin the process of giving me quarantine pay. He also told me that I should not tell anyone about my positive test.

35. Later, on the evening of March 26, 2020, I was finally able to receive a photo from the clinic that showed my positive test results for COVID-19 and I sent it to Grabowski via Chime. He replied that he would "open up the escalation to global security."

36. At no point did anyone from Amazon ever ask me when I began to have COVID-19 symptoms. Furthermore, at no point did anyone from Amazon ask me who I had been in close contact with during my final days in the facility before I tested positive for COVID-19.

Household Spread of COVID-19

37. During the weeks prior to testing positive for COVID-19, my family and I were adhering to New York City's stay-at-home order. I would only leave the house to drive to work in my car and to get groceries about once a week. My children would all stay at home all day as their classes had all shifted online.

38. My 37-year-old cousin, Anthony, who had been living with us in our home for about a year, had recently been employed by a private sanitation company to work the night shift. As an essential worker, he would leave the house to work during the week, but would otherwise stay home. Once I received my positive test results on March 26, 2020, Anthony notified his employer and was put on quarantine. He was laid off by his employer a couple days later, and therefore was denied his chance to join the union, which was scheduled to occur on April 1, 2020.

39. On or around March 28, 2020, Anthony drove all four of my kids to the same clinic where I got tested for COVID-19 so that they could also be tested. I understand that a medical professional came out to the car and administered tests to my 18-year-old son Luis, my 14-year-old daughter, my 8-year-old daughter, and my 4-year-old son.

40. Anthony attempted to get a COVID-19 test at that time, but was told that because he did not have health insurance he could not get the test.

41. On or around April 1, 2020, we received confirmation that my 14-year-old daughter had tested positive and that my 8-year-old daughter had tested negative. There were apparently errors with the tests that were given to my two sons and we never received results for them. My oldest daughter had not been going out during the pandemic, and I believe the source of her infection was me.

42. By March 31, 2020, both of my sons were beginning to have the same symptoms that I did, including a cough, a sore throat, and difficulty breathing. Neither of my sons had been going out during the pandemic, and I believe the source of their infection was me. Neither of my daughters developed COVID-19 symptoms, despite the fact that one had tested positive.

43. Also around March 31, 2020, Anthony began to develop the same symptoms I had been suffering from for over a week, including a light cough, a sore throat, and some difficulty breathing. Anthony had not gone to work since March 25, 2020, and I believe the source of his infection was me.

44. Over the next week my two sons' symptoms got a little worse before beginning to get better, and by the week of April 7, 2020, they had almost gotten completely better.

45. Unfortunately, Anthony's symptoms continued to get worse through the week, and I would often hear him coughing throughout the night when I was trying to sleep.

46. On the night of April 6, 2020, Anthony was having difficulty breathing and I heard him coughing and going into the bathroom a lot.

47. At around 11 a.m. the next morning I went to use the bathroom but the door was locked. When no one answered my knocking, I was able to get the door open and found Anthony dead on the floor.

48. We were told that we would not be able to get a post-mortem COVID-19 test for him, and were told that any autopsy would take up to 3 months, but I believe that Anthony died from COVID-19.

Amazon's COVID-19 Quarantine Leave

49. On March 26, 2020, after I notified Amazon about my positive COVID-19 test, I was told by both Grabowski and a Senior Operations Manager that I would be contacted by HR about next steps.

50. At 8:20 p.m. on the evening of March 27, 2020, I had still not been contacted by anyone at HR about quarantine so I sent a Chime message to Grabowski asking when I should plan to return to work and if I was going to get 2 weeks of paid leave.

51. On or around March 28, 2020, I got a call from Grabowski letting me know that I was going to be on 2-week quarantine. He asked me to contact the Employee Resource Center ("ERC").

52. When I talked to ERC by phone later that day, they said they had completed my leave of absence documents so that I could receive quarantine pay, and they assigned me a case manager from the Leave of Absence team ("LOA").

53. On April 1, 2020, I received an email from ERC that included a "Decision Notification" about my request for a leave of absence that showed I was approved to receive Federal FMLA and a Medical Leave of Absence from March 25, 2020 until April

7, 2020. The document also said that I had been approved for Short Term Disability from April 1, 2020 through April 7, 2020.

54. The letter also said that all Amazon employees who were diagnosed with COVID-19 would receive up to two weeks of pay.

55. This was the first and only document I received that had any information about my quarantine.

56. I also received a phone call from ERC on April 1, 2020, wherein they informed me that I would need a doctor's note to be able to return to work, but did not provide any details about specific COVID-19 concerns.

57. After my call with ERC, I called the urgent care facility where I took my initial test and told them I needed a letter to return to work. The doctor asked how I was feeling and I said I was feeling better and only had a cough at night. I asked the doctor to give me a note saying that I could return on April 12, because it was the first Sunday shift that was two weeks after my positive test. I did not want to return on April 7, 2020, the day Amazon had identified as my return date on my leave documents, because I felt like I needed more time to recover.

58. The doctor emailed me a letter saying that I could return to work on April 12 and I uploaded the letter to Amazon's HUB system for ERC to review.

59. On or around April 7, 2020, I saw in Amazon's A to Z App that I had been returned to the schedule beginning on April 12, 2020.

60. On April 10, 2020, I received a direct deposit from Amazon for 56 hours of quarantine pay, which was coded "guarantee pay" on my paystub. This is significantly

fewer hours than I would normally work in two weeks – I typically work at least 40 hours per week.

61. On April 17, 2020, I received a direct deposit from Amazon for \$210.86, which was coded as Short Term Disability.

62. I repeatedly asked managers at JFK8 why I had not received a full two weeks of quarantine pay, but kept getting told that I would see the money on the following paycheck. I tried to contact ERC, and left numerous messages for them, but never got a call back.

63. On or around April 29, 2020, I sent a Chime message to Heather Mirabal, a senior HR manager at JFK8, asking why I had not received the remaining 24 hours of my quarantine pay. She told me that she had brought it up with her “BPs” earlier that week.

64. On May 20, 2020, I still had not received my final 24 hours of quarantine pay and I sent a message to management on Amazon’s internal Voice of the Associate message board (“VOA”) demanding that I get my final 24 hours of quarantine pay.

65. Later in the day on May 20, 2020, I received a Chime message from Neha Viswanath in HR who let me know that the leave of absence team had initially determined that I was not eligible for 80 hours of quarantine pay, but they had given “site approval” to have the full 80 hours paid because that was what had been initially promised to me. Viswanath said that she had escalated my case but they were behind in processing. She said that I would hopefully see the money on my next check.

66. When I asked Viswanath why I was not deemed eligible for a full 80 hours of quarantine pay, despite the fact that I had tested positive for COVID-19 and was a full-

time worker, she informed me that Amazon only promises “up to” two weeks of pay and that not everyone gets the same benefit.

67. Later in the day on May 20, 2020, I got a message from Mirabal saying that she had “good news” and that I would receive the remaining 24 hours of quarantine pay on May 29, 2020. However, she was unable to confirm whether the remaining 24 hours would be paid at 100% under the quarantine pay policy or at 60% under the Short Term Disability policy.

68. On May 27, 2020, when I was able to access my upcoming pay statement, I saw that Amazon had in fact only coded my remaining 24 hours of quarantine pay as Short Term Disability at 60% of my regular rate. I contacted Viswanath via Chime and asked her why I was again failing to receive my full 2 weeks of quarantine pay at 100% of my regular rate. She said she would “follow up with them” to see why the hours were coded as Short Term Disability and agreed to add 10 hours of “company business” pay to the May 29, 2020 paycheck. When I informed her that the additional 10 hours would still be \$10.16 less than what was promised to me, she agreed to add 11 hours of “company business” pay instead.

69. On May 29, 2020, I received Short Term Disability pay for the remaining 24 hours of quarantine leave and was then promised that I would get the remainder of my quarantine pay on June 5, 2020.

Return to Work at JFK8

70. On April 12, 2020, I returned to work at JFK8 but I was still on leave in their system so I was unable to enter the building. I spent about 30 minutes waiting for

someone from HR to un-freeze my badge, and when they arrived their only question was about why I was there to work on a Sunday.

71. I explained that my original schedule was from Wednesday through Saturday, but in mid-March I changed to Sunday through Wednesday. I also sent a Chime message to a Senior Operations Manager to let him know that security and HR were giving me a hard time at the entrance.

72. Finally, after 30 minutes I was able to enter the building for my shift, but I was not paid for the time I was waiting to get in because I had not been able to clock-in for my shift.

73. I had not had any communication from ERC since the leave letter that I received on April 1, 2020, and at no point did Amazon ever confirm with me that I was asymptomatic before allowing me to return to work.

74. I was not contacted by any managers at the facility during the course of my first shift to check on my health or to confirm that I did not have any symptoms.

75. At no point since I returned to work on April 12, 2020, has a manager from Amazon checked in about my health.

Amazon's "Time off Task" Policy

76. Amazon monitors the amount of time that workers spend on and off task. The team of workers that I oversee uses scanners, and Amazon uses software to monitor the degree to which each scanner is active. Every minute of a worker's shift, except for their daily lunch break, is coded as "on task" or "off task" based on whether or not they have actively scanned items during those 60 seconds.

77. The minutes in which a worker has not scanned an item are collectively called time off task (“TOT”) and throughout the day Amazon adds up all of a worker’s TOT.

78. Breaktimes are included in a workers TOT. While workers aren’t penalized for the breaks themselves, workers know that if they don’t scan an item in the first minute after their break officially ends, that minute of TOT will be counted against them. I learned about TOT, and the potential penalties for having too much TOT, back when I first started working for Amazon.

79. To my knowledge, if non-breaktime TOT reaches 2 hours in a day a worker can be terminated for their TOT.

80. When I was a picker, before my promotion to Process Assistant, I would often be afraid to even use the bathroom during my shifts because I was worried about being disciplined for TOT.

81. As a Process Assistant, I have the ability to see a worker’s accrued TOT down to the second and am tasked with reminding workers that they only get 20 minutes, scan-to-scan, for breaks. Workers who are not supervisors are not able to see their accrued TOT.

82. To the best of my knowledge Amazon still tracks a worker’s TOT throughout the day, and gives warnings and write-ups despite the COVID-19 pandemic.

Amazon’s Rate Requirements

83. Amazon monitors the rate of work for the members of my team. The rates are the number of seconds per unit picked (for pickers) or the number of units counted per

hour (for count workers). Over the course of a 10-hour shift, workers are required to pick and count thousands of items.

84. If workers are unable to meet the rate that has been set, Amazon's system will automatically generate warnings and potentially terminations for working slower than the set rate.

85. Amazon has maintained its high rates during the pandemic due to an increased number of orders and because there were many workers who were not coming into JFK8 to work. Amazon has also been hiring lots of new workers as I've seen lots of new faces around the facility recently. To my knowledge, most of the new workers that have been hired during the pandemic have only been hired for seasonal positions.

Amazon's Retaliatory Actions

86. Many workers, including myself, are fearful of losing our jobs, especially during this pandemic when businesses are closed and unemployment is at record high levels.

87. I fear what will happen to me if Amazon finds out I am participating in this lawsuit. I could not afford to lose my job.

88. Several of my friends who have spoken out about Amazon's failure to protect the workers at JFK8 have been terminated or given final write ups.

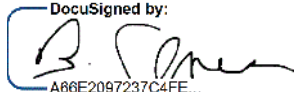
89. However, I am more fearful of the risks Amazon is creating for me, and my co-workers, family, friends, and neighbors in New York City. I fear the risk of getting sick again from COVID-19 at the warehouse due to the close contacts I am forced to have with other workers and I fear spreading the virus to others. Almost every day I get another text

message from Amazon telling me there are “additional confirmed cases” in the facility. I just received another of these text messages on May 30, 2020.

90. Thus, despite my fears of Amazon’s reaction, I chose to be a Plaintiff in this case to protect myself and others.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Queens, NY.

DocuSigned by:

A86E2097237C4FE...
Barbara Chandler
6/3/2020
Dated